

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION, et al.,

Plaintiffs,

v.

AMERICAN FUTURE SYSTEMS, INC., et al.,

Defendants.

CIVIL ACTION
NO. 20-2266

ORDER

AND NOW, this 9th day of November 2022, upon consideration of the AFS Defendants' Motion to Compel [among other things] Plaintiffs to Produce Witness(es) for Examination in Accordance with Fed. R. Civ. P. 30(b)(6) (Doc. No. 212), the attached Exhibits regarding Defendants' proposed matters for examination (Doc. No. 212-1), and Plaintiffs' Response in Opposition (Doc. No. 215), it is **ORDERED** as follows:

1. Defendants' topics for examination of a Rule 30(b)(6) witness designated by Plaintiff Federal Trade Commission ("FTC") (Doc. No. 212-1, Ex. C) that are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 18 are permissible matters for examination and Plaintiffs' objections to them (Doc. No. 212-1, Ex. G) are **OVERRULED**.
2. Defendants' topics for examination of a Rule 30(b)(6) witness designated by Plaintiff Federal Trade Commission (Doc. No. 212-1, Ex. C) that are numbered 13 and 14 are impermissible matters for examination because they lack reasonable particularity and Plaintiffs' objections are **SUSTAINED**. See Fed. R. Civ. P. 30(b)(6). Number 13 lacks reasonable particularity because it fails to specify the subject matter or a temporal scope of the communications at issue and fails to define "Third Party." Number 14 lacks reasonable

particularity because it fails to identify the contents and actions about which Defendants intend to inquire.

3. Defendants' topic for examination of a Rule 30(b)(6) witness designated by Plaintiff Federal Trade Commission (Doc. No. 212-1, Ex. C) that is numbered 17 and Defendants' topic for examination of a Rule 30(b)(6) witness designated by Plaintiff Commonwealth of Pennsylvania (Doc. No. 212-1, Ex. D) that is numbered 19 are impermissible matters for examination because they seek privileged information regarding Plaintiffs' decision-making process and Plaintiffs' objections are **SUSTAINED**. See United States v. Stabl Inc., No. 8:16CV233, 2018 WL 3758204, at *7 (D. Neb. Aug. 8, 2018); F.T.C. v. DIRECTV, Inc., No. 15-CV-01129, 2016 WL 4154851, at *2 (N.D. Cal. Aug. 5, 2016).
4. Defendants' topics for examination of a Rule 30(b)(6) witness designated by Plaintiff Commonwealth of Pennsylvania (Doc. No. 212-1, Ex. D) that are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 are permissible matters for examination and Plaintiffs' objections (Doc. No. 212-1, Ex. H) are **OVERRULED**.

BY THE COURT:

/s/ Joel H. Slomsky

JOEL H. SLOMSKY, J.